

Message Text

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SUBJ: IPG ON INTERNATIONAL MULTIMODAL TRANSPORT, SECOND SESSION

1. SUMMARY: SECOND SESSION IPG ON IMT AT MIDPOINT HAS YET TO MOVE BEYOND OPENING STATEMENTS AND HAS BEEN BOGGED DOWN IN PROCEDURAL QUESTION CONTROVERSY AS A RESULT OF G-77 (GROUP A) UNWILLINGNESS TO MOVE AHEAD ON WORK PROGRAM AS OUTLINED IN PROVISIONAL AGENDA. THIS IMPASSE, WHICH WAS FINALLY RESOLVED NOVEMBER 19, PLUS G-77 OPENING REMARKS HAVE CAUSED MAY GROUP B DELEGATIONS TO QUESTION USEFULNESS OF CONTINUING IMT EFFORT IN UNCTAD FORUM. G-77 OPENING STATEMENT CALLS FOR COMPREHENSIVE AND WIDE-RANGING CONVENTION OF IMT COVERING A HOST OF PUBLIC AND PRIVATE LAW QUESTIONS AND FURTHER STUDIES BY SECRETARIAT. G-77 APPROACH RUNS COUNTER TO GROUP B ADVOCATION OF POSSIBLE CONSIDERATION OF A IMT CONVENTION LIMITED TO PRIVATE LAW QUESTIONS ONLY. INITIAL REMARKS BY GROUP D IMPLY EASTERN EUROPEANS AIMING FOR A LIMITED CONVENTION AKIN TO GROUP B APPROACH AND NO LIMITED OFFICIAL USE

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LONGER PUSHING FOR IMMEDIATE DRAFTING CONVENTION ARTICLES. END

SUMMARY.

2. LAST SEVEN DAYS HAVE BEEN SPENT ATTEMPTING TO GET G-77 AGREEMENT, PARTICULARLY GROUP A, TO PROCEED WITH DISCUSSION OF POSSIBLE GUIDELINES FOR FORMULATION OF IMT CONVENTION AS OUTLINED IN PROVISIONAL AGENDA. RELUCTANCE ON GROUP A DUE BASICALLY TO FACT THEY FEEL UNPREPARED AND DO NOT WANT TO COMMIT THEMSELVES TO SUBSTANTIVE DISCUSSIONS WITH B AND D, PENDING VARIOUS ECONOMIC AND SOCIAL IMPACT STUDIES REQUESTED OF THE SECRETARIAT. SECRETARIAT IS BLAMED FOR NOT ADDRESSING THESE ASPECTS IN STUDIES PREPARED FOR IPG 2ND SESSION. (MAJOR REASON FOR NOT HAVING DONE SO WAS ABSENCE OF SUITABLE DATA.)

3. BASIC DIFFERENCES WITHIN G-77 ARE ALSO A FACTOR AND LED TO DELAY IN PRESENTATION OF G-77 OPENING REMARKS. LATIN AMERICANS REPORTEDLY ARRIVED WITH TRUNKLOAD OF REGIONALLY-PREPARED DOCUMENTS, INCLUDING DRAFT PROPOSALS, READY TO ENTER INTO SERIOUS DIALOGUE. THIS FACT APPARENTLY CAUSED SUSPICION ON PART GROUP A MEMBERS AND LED TO SEPCULATION LATINS POSSIBLY IN CAHOOTS WITH THE U.S. GROUP A HAS NOT SUPPORTED THE TABLING OF ANY GROUP C PROPOSALS, EVEN IN G-77 SESSIONS. SITUATION APPEARS EVEN MORE BYZANTINE IN THAT THE ASIANS RATIONALIZE THEIR UNPREPAREDNESS AS RESULT OF U.S. UNWILLINGNESS TO AGREE TO DISCUSSIONS OF IMT ISSUES IN ECAFE PRIOR TO IPG SESSION, WHILE AFRICANS PLACE BLAME ON LATENESS IN RECEIVING UNCTAD DOCUMENTS.

4. COMPROMISE ON WORK PROCEDURES WAS REACHED EVENING OF NOVEMBER 19 WHEREIN G-77 AGREED TO PROCEED WITH DISCUSSION OF DOCUMENTATION, CUSTOMS, LIABILITY AND INSURANCE QUESTIONS IN SINGLE PLENARYSESSION WITH NO SESSIONAL MEETINGS. LATINS ARE EXPECTED TO PARTICIPATE ACTIVELY, BUT GROUP A HAS STIPULATED THEIR VIEWS ARE NOT THOSE OF THE G-77.

5. OPENING REMARKS OF B COORDINATOR ON BEHALF OF OECD LIMITED OFFICIAL USE

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COUNTRIES MADE NOVEMBER 14 STRESSED NEED FOR COMPLETE EXAMINATION OF ALLISSUES, AGREEMENT ON GUIDELINES PRIOR TO ANY DRAFTING AND THE DESIRABILITY OF LIMITING ANY IMT CONVENTION THAT MAY VE CONSIDERED TO TRADITIONAL ISSUES: RULES ON DOCUMENTATION; RESPONSIBILITY OF THE PERSON TAKING CHARGE OF GOODS FOR THEIR LOSS OR DAMAGE; RULES ON BRINGING ACTIONS FOR RECOVERY; JURISDICTION AND ARBITRATION. LOW-KEY GROUP D STATEMENT MADE SAME DAY

SHOWS EASTERN BLOC PREFERRING LIMITED CONVENTION ALONG LINES B POSITION. OF NOTE, D COUNTRIES, WHICH ADVOCATED DRAFTING ARTICLES FIRST SESSION, NOW URGING ONLY THAT DRAFTING BEGIN FOLLOWING GENERAL AGREEMENT ON

6. GROUP OF 77 CHAIRMAN TAVARES PIRES (BRAZIL, FOLLOWING A WEEK'S CONSULTATION BETWEEN A & C GROUPS, MADE OPENING STATEMENT NOV 18 SETTING FORTH DEVELOPING COUNTRIES' VIEWS ON IMT EFFORT. BASICALLY, REMARKS WERE A RESTATEMENT OF LDCS' TRANSPORT ASPIRATIONS AS WELL AS FEARS AND CALL FOR GOVERNMENT CONTROL OVER IMT AND ADEQUATE PARTICIPATION BY THEM IN THIS TRANSPORT. SUBSTANTIAL INCREASES IN FINANCIAL AND TECHNICAL ASSISTANCE, MADE UNDER FAVORABLE CONDITIONS, ARE URGED TO ACCOMPLISH THE LATTER.

7. G-77 ENVISAGES IMT CONVENTION WITHIN FRAMEWORK OF ACTION PROGRAM/NEW INTERNATIONAL ECONOMIC ORDER (I.E. ONE THAT WILL PROMOTE THE ECONOMIC AND SOCIAL DEVELOPMENT OF EHT LDCS) AND CONSIDERS IT IMPERATIVE ANY IMT CONVENTION BE COMPATIBLE WITH UN CONVENTION ON A CODE OF CONDUCT FOR LINER CONFERENCES. PRINCIPAL CONDITIONS TO BE MET FOR A CONVENTION TO BE ACCEPTABLE TO THE DEVELOPING COUNTRIES ARE: A) THAT IMT OPERATIONS BE CARRIED OUT IN ACCORDANCE WITH NATIONAL LEGISLATION AND INTERNATIONAL AGREEMENTS REGARDING CARGO RESERVATION, CARGO SHARING, LAND TRANSIT PERMIT AGREEMENTS, COASTAL SHIPPING REGULATIONS, INSURANCE, CONTAINER MOVEMENT, EXCHANGE AND CUSTOMS RULES, ETC.; B) THE DETAILED REGULATION OF MULTIMODAL TRANSPORT OPERATORS (MTOS); C) ESTABLISHMENT OF SINGLE IMT DOCUMENT, THE ISSUANCE OF WHICH WOULD BE MANDATORY FOR THE MTO UPON REQUEST BY THE USER. OTHER AREAS G-77 FELT SHOULD BE EXAMINED LIMITED OFFICIAL USE

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BY THE IPG INCLUDE ARBITRATION, CONFLICTS OF LAW, TERRITORIAL LINK AND JURISDICTION.

8. WITH RESPECT TO LIABILITY, G-77 ADVOCATES A REDUCTION IN NUMBER OF DEFENSES AVAILABLE TO MTOS AND MARINE CARGO INSURANCE PROVISIONS WHEREBY INSURANCE ON IMT SHIPMENTS TO DEVELOPING COUNTRIES SHOULD BE CONTRACTED IN COUNTRY OF DESTINATION AND THAT ON LDCS' EXPORTS PLACED IN ACCORDANCE WITH LEGISLATION AND PRACTICES OF THE COUNTRY OF ORIGIN.

9. G-77 ALSO REQUESTED FURTHER STUDIES (TO BE CARRIED OUT BY UNCTAD SECRETARIAT IN COOPERATION WITH REGIONAL ECONOMIC COMMISSIONS) TO ENSURE EFFECTIVE LDC PARTICIPATION IN THE PREPARATION OF A IMT CONVENTION. THESE INCLUDE

THE FOLLOWING: A) IMPLICATION FOR LABOR IN DEVELOPING COUNTRIES; B) IMPLICATION ON INTERNAL TRANSPORT INFRASTRUCTURES AND PROSPECTS FOR THE ESTABLISHMENT AND EXPANSION OF IMT OPERATIONS IN DEVELOPING COUNTRIES; C) TECHNICAL FEASIBILITY AND FINANCIAL VIABILITY OF THE NECESSARY INVESTMENTS TO ADAPT INFRASTRUCTURE TO INTRODUCE AND EXPAND IMT OPERATIONS; D) IMPLICATIONS OF IMT OPERATIONS FOR VARIOUS DEVELOPING REGIONS OF THE WORLD; E) STUDY ON CONSULTATION PROCEDURES BETWEEN SHIPPERS AND MTOS; AND F) CONVENTION SAFEGUARDS TO PRECLUDE POWERFUL CONSORTIA OF CONTAINER OPERATORS FROM BECOMING MTOS AND REPLACING THE CONFERENCE SYSTEM.

10. G-77 HAS REQUESTED A GROUP B RESPONSE TO ITS PROPOSAL WHICH WILL BE MADE FOLLOWING DISCUSSION OF PRIVATE LAW ISSUES IN PLEANARY. WITH SIX WORKING DAYS REMAINING IT IS UNLIKELY THAT 2ND SESSION WILL ACCOMPLISH MUCH OF ANYTHING. AFRICAN REQUEST FOR IMPACT STUDIES, MOREOVER, RAISES QUESTION WHETHER UNCTAD SCHEDULE ON IMT FOR DIPLOMATIC CONFERENCE WILL BE MAINTAINED. SECRETARIAT PRESENTLY SPECULATING A FOURTH AND POSSIBLY A FIFTH SESSION WILL BE NECESSARY, PUSHING ANY POSSIBLE CONFERENCE INTO 1977. THERE IS ALSO TALK OF USING THE NOVEMBER 1975 COMMITTEE ON SHIPPING MEETING TO COVER SOME OF THE WORK OF THE IPG. LIMITED OFFICIAL USE

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MOST GROUP B HAVE NOT BEEN RECEPTIVE TO THE LATTER ON GROUND SHIPPING COMMITTEE NOT ONLY HAS FULL AGENDA BUT IS NOT APPROPRIATE FORUM FOR IMT WORK. DALE

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